

0230

BOX:  
300

FOLDER:  
2854

DESCRIPTION:  
Irving, James

DATE:  
03/19/88



2854

Witnesses:

*W. McCandless*

Counsel,

Filed *19* day of *March* 188*8*

Pleads *Chas. J. Kelly*

THE PEOPLE

*vs.*  
*Wm. J. Kelly*

*James Irving*

CONCEALED WEAPON.

(Section 410, Penal Code.)

JOHN R. FELLOWS,

RANDOLPH B. MARINE,

District Attorney.

A TRUE BILL.

*(Raymond)*

*Monday Morning*

*Page III March 26/88*

*Filed & Committed*

*Wm. J. Kelly*  
*Wm. J. Kelly*



Indictment filed Mar. 19. 1888

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

James Irving.

Abstract of testimony on

trial March 23rd 1888.

0232

COURT OF GENERAL SESSIONS-Part 3.

-----  
 The People of the State of New York, : Before Hon. H. A.  
 against : Gildersleeve and  
 James Irving : a Jury.  
 -----

Indictment filed March 19th 1888.

New York, March 23rd 1888.

APPEARANCES: For the People, Asst. Dist. Atty. Dawson.

For the defendant, Jacob Berlinger Esq.

JOHN McCAULEY, a witness for the People, testified:

I am a detective attached to Police Headquarters. Detective Sergt. O'Brien and myself arrested the defendant on March 10th at the corner of Bleecker and Thompson St. We brought him to the Central Office, and while searching him he pulled this large knife out of his hip pocket and we took it from him. (The knife was offered in evidence).

STEPHEN O'Brien, a witness for the People, testified:

I am a detective attached to the Central Office. I was with Detective McCauley when he arrested the defendant. We brought him to the Central office, searched him and found this knife on him. The sergeant asked him if he did not know that he could be sent to State Prison for having a knife like that in his possession and he made no answer. When we brought him to Court he said he found the knife.

CROSS EXAMINATION:

This knife is a dirk; it is a dangerous weapon.



0234

2

The knife was closed when we found it in his pocket.  
I did not know he had the knife on him when we arrested  
him; we did not arrest him for that.

D E F E N C E

JAMES IRVING, the defendant, testified:-

I live at No. 216 Wooster St. I run race horses  
for a living. I do not exactly remember the day I  
was arrested. I had this knife in my pocket. I  
found it on Friday evening between five and six o'clock  
lying on the sidewalk. I was arrested on Saturday  
morning. I only had the knife one night.

CROSS EXAMINATION:

I was convicted as a pick pocket three years ago.  
I have never done anything in that line since I was re-  
leased from prison.

The jury found the prisoner GUILTY of carry-  
ing a concealed weapon.

0235

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 2<sup>nd</sup> DISTRICT.

of the Central Office  
occupation Police Officer Street, aged years,  
that on the 10<sup>th</sup> day of March 1888  
at the City of New York, in the County of New York, he arrested

James Devine (now here) for the  
reason that defendant believed said  
Devine was a suspicious character  
and that when said Devine was taken  
into custody he unlawfully and  
feloniously had encroached upon his  
person a dirk or dangerous knife  
without having any lawful cause  
for carrying the same  
John McLeaney

Sworn to before me, this  
of March 1888

Police Justice.



0236

Sec. 198-200.

2nd District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK

*James Irving* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *James Irving*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live, and how long have you resided there?

Answer. *216 Thompson St. 1 year*

Question. What is your business or profession?

Answer. *Horseman*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you may think will tend to your exculpation?

Answer. *I am not guilty,*  
*His*  
*James R. Irving*  
*marks*

Taken before me this

day of

1881

Police Justice.

LE 20

Dated 188 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.

Dated 188 Police Justice.

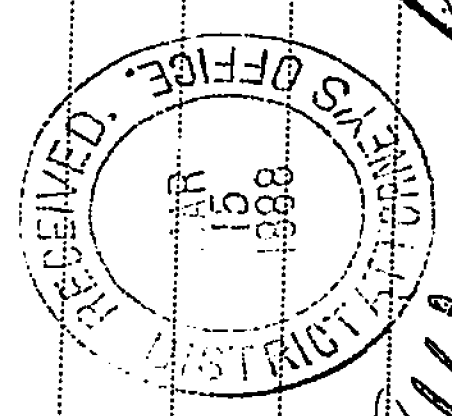
I have admitted the above named to bail to answer by the undertaking hereto annexed.

Dated 188 Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Police Court-- 2419 District

THE PEOPLE, &c.,  
OF THE COMPLAIN OF  
John M. Gauley  
vs  
James Henry  
Offence  
Carrying a Dangerous Weapon  
Dated 188  
Magistrate  
Officer  
Precinct  
Witnesses  
No. Street  
No. Street  
No. Street  
\$5000 to answer



BAILED,  
No. 1, by  
Residence Street  
No. 2, by  
Residence Street  
No. 3, by  
Residence Street  
No. 4, by  
Residence Street



0238

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Swinney*

The Grand Jury of the City and County of New York, by this Indictment, accuse

*James Swinney*

of the CRIME OF CARRYING A CONCEALED WEAPON, committed as follows:

The said *James Swinney*, late of the City of New York, in the County of New York aforesaid, on the *Tenth* day of *March*, in the year of our Lord one thousand eight hundred and eighty-~~eight~~, at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as *India and dangerous knife*, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

## SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said

*James Swinney*

of the CRIME OF POSSESSING A CONCEALED WEAPON, committed as follows:

The said *James Swinney*, late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously did possess a certain instrument and weapon of the kind commonly known as *India and dangerous knife*, by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS.

~~RANDOLPH B. MARTINE,~~

District Attorney.

0239

BOX:

300

FOLDER:

2854

DESCRIPTION:

Ittner, John

DATE:

03/08/88



2854



0240

No. 84

Witnesses:

Off Goodman

Off Foreman

31 Dec 1888

Counsel,

Filed, 8 day of March 1888

Pleads, Not Guilty (6)

THE PEOPLE

vs.

B

John Storer,  
the younger.

VIOLATION OF EXCISE LAW.  
(Keeping Open at Unlawful Hours.)  
[III Rev. Stat. (7th Edition), page 1869, Sec. 5].

JOHN R. FELLOWS  
RANDOLPH B. MARTINE,

District Attorney.

12th Nov by 1888-

Indictment dismissed

A True Bill

(H. J. O'Connell)

Foreman.

On our examination  
under of all witnesses  
presented for prosecution  
as well as defense & our  
of the opinion that a conviction  
cannot be obtained in  
this case, we recommend that  
the indictment be  
dismissed. On the ground  
that the case was presented in  
violation of the  
Holland v. State

1888 S. D.  
page 27/28

Exhibit case - copy of April

0241

Excise Violation—Selling After Hours.

POLICE COURT—6 DISTRICT.

City and County } ss.  
of New York,of ~~the~~ 34 Police Precinct Theodore Goodenough Street,of the City of New York, being duly sworn, deposes and says, that on the 14 day  
of February 1888, in the City of New York, in the County of New York, at~~the~~ W. W. Cozen Webster Avenue + 177 Street,John Miller junior (now here)  
did then and ~~THERE~~ EXPOSE for sale, and did sell, give away and dispose of, and cause, suffer,  
and permit to be sold, given away and dispose of under his direction and authority, strong and  
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons  
at a time, to be drunk in the house or premises aforesaid BETWEEN THE HOURS OF ONE AND  
FIVE O'CLOCK in the morning of said day, contrary to and in violation of the statute in such case  
made and provided.WHEREFORE, deponent prays that said John Miller junior  
may be ~~arrested and~~ dealt with according to law.Sworn to before me, this 14 day  
of February 1888Theodore Goodenough  
D. J. Peck Police Justice.



0242

Sec. 198-200.

6<sup>th</sup>

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Miller junior* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *John Miller jr*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Tremont N.Y.*

Question. Where do you live, and how long have you resided there?

Answer. *Webster Avenue #177 St., 24 years*

Question. What is your business or profession?

Answer. *Hotel Keeper*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you may think will tend to your exculpation?

Answer. *I am not guilty. I held after examination, I desire to be at general sessions*

*John Miller Jr.*

Taken before me this

day of

*January*

188

Police Justice.

Police Court--C-281 District

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Theodore Goodenough

John Jones Jr.

Residence 1609 Winding Lane

| No. 2, by | Residence |
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No. 3, by .....

No. 4, by .....

Dated Ten-ay ly W 1888

.....Magistrate

110  
Gardner  
Officer.

0 Precinct. 24

## Witnesses

No. .... Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

102  
ATTORNEY  
L. J. S.  
L. J. S.  
L. J. S.

Barbed

RECEIVED. DISTRICT ATTORNEY'S OFFICE  
FEB 16 1888

102  
ATTORNEY  
TO BE SEEN

Barbed

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Order that he be held to answer the same and he be admitted to bail in the sum of One Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

the City Prison of the City of New York, until he give such bail.

Testimony 14. 1888

*John D. Smith*

Police Justice.

I have admitted the above named  
 D. C. McDaniel

There being no sufficient cause to believe the will in named

guilt of the offence will in mentioned, I order he to be discharged.

.....Dated.....188.....  
.....Police Justice.



Grand Jury Room.

PEOPLE,

vs.

John J. Jones

Christopher Carstens.

At all public hall  
in given at dinner on  
thought - question  
there was no drinking  
some after one o'clock.  
I saw none. The boy  
was in sitting abnormally  
and connected with  
them. I was in the  
room, with 12 o'clock  
which was the last time  
The few people in  
there until the supper  
march started at  
about one o'clock. I  
looked at my watch  
but was before one o'clock.  
Borrow door was the  
closed. I saw Hoffman

Rule

Railroad due 4:17

at.

Joe Rafterfels.  
 Cr. 177th Prospective  
 makes the same  
 statement  
 will swear that the  
 box room door  
 was closed as  
 we left & that  
 after we arrived  
 all night we at  
 one corner of apt.

W. Hillfink 1771 Morris  
 saw person in apt.  
 I kept in door (I  
 in accident box) by  
 I suppose at one o'clock  
 from apt. waiting  
 looks it very faint  
 one  
 Bathroom was  
 closed, so he was  
 in box room  
 door was closed.

Wm. S. B. B. B.  
 fact and M. B.  
 within  
 apt makes same  
 statement  
 All would swear.



0246

**Grand Jury Room.**

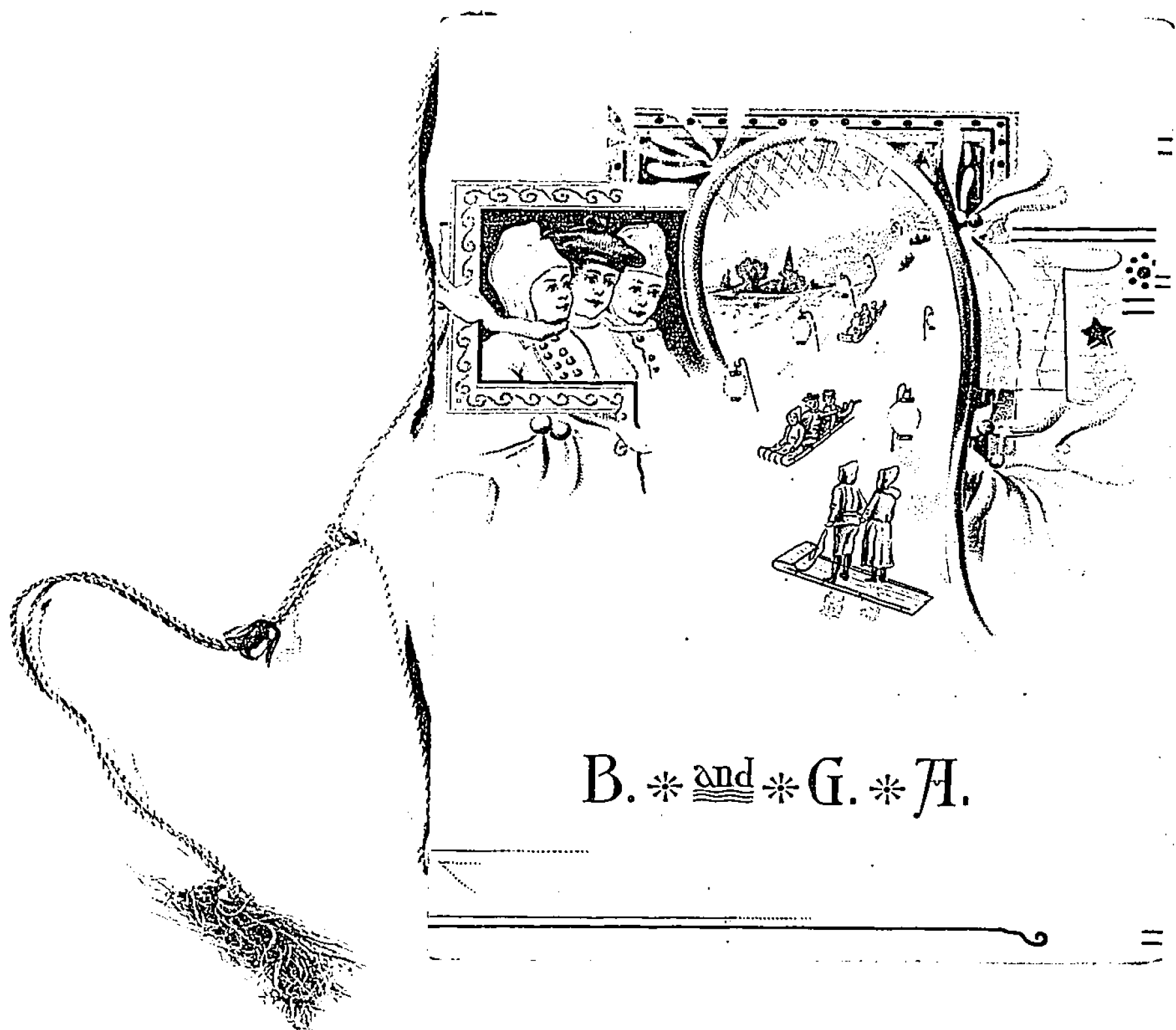
PEOPLE,

**vs.**

Other

1880 Fremont & Co

0247



B. \* and \* G. \* H.



0248

1881. EIGHTH SEASON. 1888.

EIGHTH GRAND ANNUAL

**BALL**

OF THE

**Butchers' and Grocers'**

Association of Tremont,

AT - ITTNER'S - VILLA,

*Monday Evening, Feb. 13, '88.*

MUSIC BY PROF. MILLER.

EDWARD REILLY, President.

FRANK RAMSTECK, JR., Vice-President.

HERMANN RUHE, Secretary.

JOHN HEITMAN, Treasurer.

HENRY HEIDE, Sergeant-at-Arms.

## Order of Dancing

### PART FIRST.

1. GRAND ENTREE ..... B. & G. A.
2. Lanciers ..... Chopped Beef
3. Waltz ..... Soft Brown Sugar
4. Quadrille ..... Marrow Bones
5. Schottische ..... Butter and Lard
6. Quadrille Waltz ..... Round Steak
7. Waltz ..... Soft Pickle
8. Lanciers ..... Veal Cutlet
9. Waltz, Ladies ..... Maple Sugar
10. Virginia Reel ..... Rock Candy
11. Schottische ..... Sausages
12. Waltz ..... All Kinds Mixed

### INTERMISSION.

## Order of Dancing

### PART SECOND.

1. RE ENTREE ..... Our Lady Friends
2. Waltz ..... To all our Guests
3. Quadrille ..... To our President
4. Schottische ..... To our Officers
5. Lanciers ..... To our Floor Manager
6. Waltz, Ladies ..... —
7. Virginia Reel ..... Everybody
8. Waltz ..... To our Assistant Floor Manager
9. Quadrille ..... To the Cook
10. Schottische ..... To John Ittner
11. Lanciers ..... To our Reporter
12. Waltz ..... Home, Sweet Home

### EMCHUCYHESIYAM.



Floor Manager.

JAMES BURKE.

WHITE ROSETTE.

Assistant Floor Manager.

DAVID VAN ORDEN.

RED ROSETTE.

Committee of Arrangements.

HENRY HEIDE.

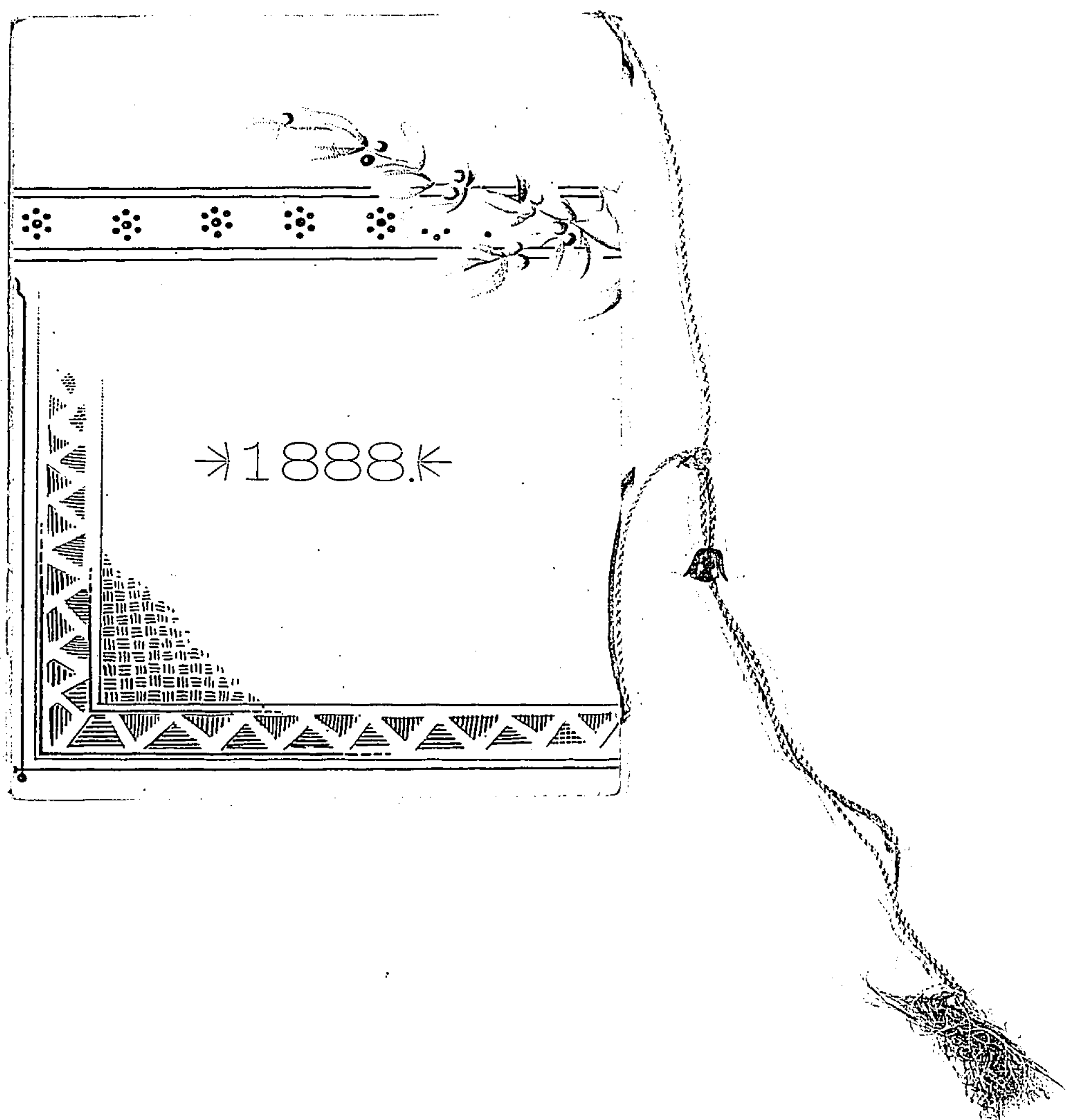
WILLIAM LEITHEUSER.

CHRISTOPH CARSTENS.

FRED. ALBERS.

PETER KIEFER.

0251





# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
*John Ittner, the*  
*younger*

The Grand Jury of the City and County of New York, by this indictment, accuse

*John Ittner, the younger*  
of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING,  
a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed  
as follows:

The said *John Ittner, the younger*  
late of the City of New York in the County of New York aforesaid, on the  
*fourteenth* day of *February* in the year of our  
Lord one thousand eight hundred and eighty *eight*, being then and there in  
charge of, and having the control of a certain place there situate, which was then duly  
licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with  
force and arms, at the City and County aforesaid, the said place so licensed as aforesaid,  
unlawfully did not close and keep closed between the hours of one and five o'clock in the  
morning of the said day, and between the said hours of the said day, to wit: at the hour  
of *two* o'clock in the morning of the said day, the said place so licensed as  
aforesaid, unlawfully did then and there open and cause and procure, and suffer and  
permit, at the time aforesaid to be open and to remain open; against the form of the  
Statute in such case made and provided, and against the peace of the People of the  
State of New York and their dignity.

*John R. Fellows*  
~~RANDOLPH B. MARTINE~~, District Attorney.